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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial and second periodic reports of States parties

Addendum

PARAGUAY

## INTRODUCTION

The following bodies took part in the preparation of this report: the Office of the Secretary of State for Women; the Office for International Organizations in the Ministry of Foreign Affairs; the Technical Planning Secretariat of the Presidency of the Republic; the Office of the First Lady; and the Directorate for Social Assistance and Relief (DIBEN). They consulted a broad range of studies carried out by governmental and non-governmental organizations on the status of women. They took as their starting point the initial report of Paraguay submitted to CEDAW in 1992 under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

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# I. INTRODUCTION

In June 1992 the Government of Paraguay submitted a report (CEDAW/C/PAR/1-2) for the consideration of the Committee of Experts for the Elimination of Discrimination against Women.

Since that date, important changes have taken place in Paraguay both in the political situation and in the status of women. Accordingly, this additional report is designed to bring up to date the previous one (CEDAW/C/PAR/1-2), so that the latest information may be considered by the Committee when it meets from 15 January to 2 February 1996 at United Nations Headquarters in New York.

## II. BASIC DATA: GENERAL SITUATION OF THE COUNTRY

Paraguay covers an area of 406,752 km² that divides into two major regions: the Eastern region, which extends over 39 per cent of the national territory and where 98 per cent of the population live, and the Western or "Chaco" region, which is a dry and sparsely populated tropical savannah. The national population, estimated at some 4.2 million inhabitants, is concentrated primarily in the countryside, since a sizeable portion (50.3 per cent) of the land is still rural. The agricultural sector's contribution to the gross domestic product (GDP) is 26 per cent (and represents 86 per cent of the value of exports).

There are 2,085,905 men (50.5 per cent) and 2,066,683 women (49.5 per cent). The 1992 census figures are annexed to this report.

Paraguay is bilingual. Most of its inhabitants are equally fluent in Guaraní and Spanish. Guaraní predominates in the rural areas, Spanish in the towns. The new National Constitution recognizes two official languages: Guaraní and Spanish.

With an average annual income of 1,381 dollars per inhabitant (1993) and social indicators showing deficient standards of health, nutrition, education, housing, etc., Paraguay has been classified among the "medium human development countries" according to the methodology used by the United Nations Development Programme (UNDP) in establishing the human development index.

Over the last two decades Paraguay's economic growth rate was well above the Latin American average. The main reasons for this were the incorporation of extensive soya-bean and cotton production schemes into the agro-export economy and the multiplier effect of the large-scale investments in the Itaipú and Yasyretá hydroelectric dam project in the late 1970s.

In the early 1980s, the rate of expansion slowed down owing to the completion of the Itaipú projects and the impact of the world crisis on the agricultural production. In recent years, Paraguay has achieved moderate rates of growth, especially in the agricultural and livestock sectors.

### Political situation

In 1993, following democratic elections in May, a civilian Government was established on 15 August. Previously, in 1991, Paraguay had held free and democratic elections for all the country's municipal governments.

In 1992 the new National Constitution was promulgated. It introduced a number of changes in the State structure. Power was decentralized; governmental departments were set up; and the municipal governments were consolidated.

The Constitution also changed the legal system. It established the Consejo de la Magistratura, assigned a new role to the Ministerior Público and reorganized the Supreme Court of Justice.

These innovations have become part of a peaceful process whereby the Congress and the Executive have been reorganizing the Paraguayan State.

## Development policy

In August 1993, after free elections, Mr. Juan Carlos Wasmosy became President. The highlights of his policy are:

The maintenance of macroeconomic equilibria.

The rationalization and reorientation of public expenditures, with emphasis on social development and infrastructural investments in the productive sector.

The promotion of technological modernization, giving priority to environmentally compatible technologies, which will bring the productive system up to date, diversify production and boost productivity.

Encouragement of private investment so that it plays a leading role in productive projects.

Broadening of the external market and promotion of Paraguay's participation in integration schemes.

Implementation of State reform programmes and projects so as to bring about governmental modernization and the training of human resources in the public sector.

Encouragement of the process of privatizing public enterprises and the process of administrative decentralization of the public sector.

Priority attention to social needs through the coordination of criteria, and efforts aimed at their resolution.

Extension and improvement of public social services.

Promotion of the welfare of vulnerable groups and increased social integration.

Greater absorption of the labour force and increased training.

Institutional strengthening of the social services.

Improvement of the legal handling of social problems.

Encouragement of the participation of the private sectors, non-governmental organizations and communities in the implementation of social programmes and projects.

## Problems and possibilities

Paraguay's social, economic and ecological indicators are worrying. It will be an arduous task to rectify the conditions that have brought about these nationwide problems and to formulate short- and medium-term policies to meet the most urgent needs, such as:

### Education

The situation continues to give cause for concern. According to the 1992 census figures, 10 per cent of the population are illiterate, school retention levels are low and only 65 per cent of the population have completed primary schooling.

In the rural sector, the educational situation is getting worse. School retention is only 54 per cent, while the percentage of establishments with incomplete admission continues to be very high. In the interior of the country, 29 per cent of the teaching posts are held by unqualified staff.

Educational reform and increased allocation of budgetary resources to education are gradually improving the coverage and quality of education.

### Health

The situation is characteristic of a developing country. The prime cause of disease is poverty and its attendant ills of deficient sanitation, lack of health education, inadequate health practices and poor health-service coverage for vulnerable groups.

Among the most serious health problems are the high levels of maternal and infant mortality, due mainly to preventable evils.

At the moment, the Government is formulating a health policy that is more appropriate, more efficient and better balanced. It is giving priority to the task of reducing preventable diseases affecting especially women and children.

Migration

Until the early 1970s many workers had been emigrating to neighbouring countries, particularly to Argentina (where 39 per cent of immigrants are Paraguayans).

In 1970, the flow was reversed. There was a drastic reduction in the number of Paraguayan emigrants as a result of increased demand for local workers, which contrasted with the severe crisis affecting the countries bordering Paraguay. This trend coincided with the start of a process of immigration, mainly of Brazilians but also, albeit to a lesser extent, of Europeans and Orientals.

Over the last 20 years, major changes have taken place in the distribution of the population, particularly in the Eastern region. Initially, in the Alto Paraná area, chiefly in the vicinity of Ciudad del Este, the large-scale dam construction projects formed a new pole of population attraction.

The present population of the Department of Alto Paraná is estimated at about 10 per cent of the national total (in 1962 it was 1.3 per cent and in 1982 6.7 per cent). Another major pole of attraction continues to be Greater Asunción, whose inhabitants now number more than 26 per cent of the total population (compared with 20 per cent in 1962).

Population growth was recorded by Departments in 1982/92. The largest increase was in the frontier areas of the Eastern region and/or in agricultural settlements such as Itapúa (3.7 per cent), Alto Paraná (7.4 per cent), Amambay (3.9 per cent), Canindeyú (4.6 per cent), in San Pedro (3.9 per cent), and in the Central Department (5.7 per cent). The other Departments recorded low levels of growth. In some there was a decrease in population.

Despite Paraguay's accelerated population growth, the rate of urbanization remains low. Paraguay is still a predominantly rural country. The low level of urbanization is due to the absence of industrialization processes and the lack of employment outside the agricultural and livestock sectors. However, some localities have become increasingly urbanized as a result of the development of the tertiary sector of the economy.

Occupation and settlement

One significant aspect of the previous Government's economic and social policy was the settlement of vast agricultural frontier areas available in the north and east of the country. Government support for the settler families was minimal. Access to credit was limited, the formalities for obtaining titles to land were cumbersome and basic services such as health and education were precarious. The poor living conditions of the settlers gave rise to numerous problems.

With the establishment of the democratic Government, new conflicts and old problems emerged between 1989 and 1994. More and more, settlers seized the land. In some cases they were allowed to stay; in others, they were ejected. At the moment, it is estimated that there are 104 farmstead settlements housing more than 2,600 families. For the Government, the solution of this problem is a priority, since in most cases the people do not have any basic services.

Maternal mortality

Paraguay's maternal mortality rate, estimated at 12 per 10,000 live births, ranks second in Latin America.

Abortion is the second most common cause of maternal deaths. Such deaths would be to a great extent avoidable through appropriate education programmes and family planning services.

Fertility

The global fertility rate estimated for the period 1990/95 is 4.5 per cent. This figure is higher than the desirable level of 3.5 per cent. In comparison with the previous decade (4.9 per cent), fertility levels have fallen slightly but still remain relatively high.

The highest fertility levels are found among women living in rural areas (6.1 per cent) and among women who have an incomplete primary education or less (6.4 per cent). In urban localities, the global fertility rate is 3.6 per cent; among women educated to secondary level it is 3.2 per cent (National Population and Health Survey (ENDS-90)).

According to the 1992 census figures, the global fertility rate reached 4.6 children per woman. It was much higher in the rural areas: 5.8 and 6.1 for women without any education.

constituted a body of law on equality between the sexes. Even so, disparities remain in certain branches of the law, especially the penal system as portrayed in the Penal Code, the Code of Penal Procedure and the Penitentiary Regime.

## Development of the rights and protection of women in the last 50 years

1954: Law No. 236 recognizes the civil rights of single women and widows who are not minors. Under the Civil Matrimonial Law, valid at this time, the rights of married women had depended on their husbands.

1961: Law No. 600 recognizes for the first time in Paraguay the political rights of women, including their right to vote and their right to elect and be elected.

1963: Law No. 854 upholds the Agrarian Statute, which recognizes explicitly the rights of "men and women" to enjoy the benefits of the Agrarian Statute.

1964: Law No. 996 ratifies ILO Convention 100 on the equality of remuneration for male and female workers.

1964: Law No. 996 ratifies ILO Convention 89 on night work for women in industry.

1966: Law No. 1154 ratifies ILO Convention 111 against discrimination in employment and occupation.

1968: Law No. 67 ratifies ILO Convention 22 on employment policy.

1967: The National Constitution of Paraguay (the second of this century) is promulgated and recognizes the equality of the civil and political rights of men and women; however, "their corresponding duties shall be established by the law, with due regard for the aims of matrimony and the unity of the family".

1979: Law 996 ratifies ILO Convention 149 on the employment and working conditions of nurses.

1982: Paraguay adopts the Health Code, which contains provisions on mothers and children.

1986: Law No. 1215 ratifies the Convention on the Elimination of All Forms of Discrimination against Women.

1989: Paraguay ratifies the Convention on the Political Rights of Women.

1990: Law No. 104 partially amends the Penal Code; adultery is decriminalized and penalties established for prostitution of others and traffic in women.

1991: Law No. 45 establishes divorce as being related to marriage with identical origins, rights and obligations for both spouses.

1992: Endorses the present National Constitution of Paraguay, which establishes full equality of civil, political, economic and cultural rights between men and women.

1992: Paraguay promulgates Law No. 1 of 1992 on the partial amendment of the Civil Code. It extends equal rights to men and women for all civil and commercial acts; it confers the same rights and obligations in matrimonial relations and in de facto unions.

1992: Promulgation of Law No. 119 concerning partial amendment of the Minors' Code. It establishes identical rights for parents over their children.

1993: By Law No. 213, the National Congress promulgates the new Labour Code; it states that "women enjoy the same labour rights and have the same obligations as men".

1995: Law No. 605 of 1995 ratifies the Inter-American Convention to prevent, punish and eradicate violence against women, also known as the Convention of Belem do Pará.

## State machinery for the elimination of discrimination

### Establishment of the Office of the Secretary of State for Women

One of the measures adopted by the National Congress, which was democratically elected after the military coup, was the adoption of Law No. 34 of 1992. This Law establishes the office of the Secretary of State for Women. The Office is designed inter alia:

To encourage the active participation of women in political, cultural, family, labour and social life within the framework of the "Convention on the Elimination of All Forms of Discrimination against Women", adopted by the United Nations General Assembly on 16 December 1979 and ratified by Law No. 1215 of 28 November 1986;

To make proposals to ensure that Paraguayan legislation conforms to the above-mentioned Convention;

To elaborate plans and programmes designed to provide free and equal access by women, in line with their qualifications, to the labour market, to social security, to housing, to land ownership and to the administration of individual and collective enterprises, with the benefit of technical and financial assistance;

To promote and implement policies designed to develop the creativity and other qualities of women in scientific, technological, artistic and cultural fields; and to elaborate plans, projects and standards for the eradication of all forms of violence against women.

The Office of the Secretary of State for Women was established by the civilian government as an organ of the Presidency of the Republic. The holder has the rank of Minister.

Since its establishment, the Secretary of State for Women has begun a process of ensuring that women's interests are taken into account in governmental policies. It has maintained a close working relationship with the Paraguayan Women's Coordinating Committee.

## Positive action for the elimination of discrimination against women

### The task of the Office of the Secretary of State for Women

The Office has defined its basic task as that of participating in the elaboration, coordination and execution of governmental policies and ensuring that women's interests are borne in mind, through efficient regulations and specific actions, so as to eliminate discrimination against women and promote equality of opportunities and results, thus favouring and deepening the democratic development of Paraguay.

In the fulfilment of this task, the Office of the Secretary of State for Women has planned its activities within the framework of agreements with the different Ministries and with governmental and non-governmental agencies. It has laid the legal and political foundations for the execution of affirmative action. A number of these actions are being carried out; others are in the planning stage. They include:

The National Plan for the Prevention and Punishment of Violence against Women, initiated in May 1994, has the general aim of preventing, punishing and eliminating violence against women. This Plan is being implemented by an Interdisciplinary Committee made up of the Office of the Secretary of State for Women; the Ministries of Education and Worship, Public Health and Social Welfare, Justice, Labour and the Interior; the Ministerio Público; the National Police; the Municipal Intendancy of Asunción; and two representatives of the Paraguayan Women's Coordinating Committee. Altogether, 14 women's organizations are represented. The National Plan is concentrated on the execution of a number of preventive and punitive measures, designed to eliminate violence against women.

The National Programme for Equality of Opportunities and Results for Women in Education has as its aim the incorporation of women's point of view in education. It also seeks to encourage their access to it. This programme started in 1995 on the basis of an agreement signed with the Ministry of Education and Worship.

The National Council for Reproductive Health and Family Planning was set up by Decree No. 3197 of 15 April 1994. Its basic aim is to plan activities for the benefit of women, adolescents and their families. The Council is made up of representatives from: the Ministry of Public Health and Social Welfare, the Ministry of Education and Worship, the Ministry of Agriculture, the Office of the Secretary of State for Women, the Technical Planning Secretariat of the Presidency, the National University (medical science and related subjects), the Health Committee of the Legislature, the Health Committee of the Armed Forces, the Health Committee of the Police, the Social Welfare Institute, the Paraguayan Obstetric Society, women's non-governmental organizations, the Paraguayan Centre for Population Studies, international organizations (WHO, UNFPA, UNICEF, AID, IBRD, IDB).

Female labour and employment policy is one of the concerns of the Office of the Secretary of State for Women, and also of women's trade union organizations in Paraguay. The Office is in contact with the Ministry of Justice and Labour with a view to drafting a convention designed to improve female labour conditions and to create jobs for women. At the same time, the Office is making arrangements to participate in the Round Table on MERCOSUR. It will work closely with the Ministry of Integration, especially as regards the operational plan of Labour Sub-Group 11, envisaged in annex V of the MERCOSUR Treaty.

In dealing with rural women, the Office maintains permanent contact with the Women's Branch of the Agricultural Credit Bank and with the Agricultural Extension Department of the Ministry of Agriculture. Its aim is to diagnose women's problems within these institutions. It is working on a project with the

Ministry of Agriculture aimed at securing a common approach to the socio-economic problems of women. This approach will be outlined in an agreement to be signed between the Ministry of Agriculture and the Office of the Secretary of State for Women. The objective is to set up an interagency round table to coordinate activities designed to help women in the rural areas.

Road to Beijing-95. Paraguay is deeply interested in the Fourth World Conference on Women and has established a National Preparatory Committee for this purpose. It is made up of representatives of governmental and non-governmental organizations, with the Office acting as coordinator. A number of meetings were held at the national level. The Paraguayan delegation took an active part in the Preparatory Meeting held in Mar del Plata in September 1994. It also participated in the meetings of ECLAC and PRECON in New York, last March. It should be pointed out that the official Paraguayan delegation for all these meetings and for the Fourth Conference in Beijing was well-balanced and pluralistic and included NGO representatives.

Report on human development from the woman's perspective. The Paraguayan Government is sponsoring this report with the help of UNDP and the Office of the Secretary of State for Women. Summaries of the chapters of this report and tables from this report are annexed herewith.

## Other bodies

### Office of the First Lady

The Office of the First Lady was initiated by the civilian Government of Juan Carlos Wasmosy. It performs a series of functions at the national level and promotes the rights of women. It forms part of the International Committee of First Ladies and in 1995 provided the secretariat for that body. One of its primary tasks was the preparation of the First Ladies' Summit, held in Asunción in October 1995.

### Directorate for Social Assistance and Relief (DIBEN)

This Directorate was set up during the transitional Government of Gral Rodríguez. It has a role to play in the status of women because it is responsible for the Programme to Promote the Participation of Women in Human Development, which is aimed especially at rural women.

This Programme now covers 13 Departments in the Eastern region. It directly benefits women and children in order to benefit society as a whole. It

affects 37,000 women organized in women's committees and 12,000 people in rural settlements. These are represented by mixed committees, designed to help men and women living in extreme poverty, and some 100,000 children who receive grants in rural schools.

The First Lady is in charge of this Programme.

Women's organizations

Civil society has played and is still playing an important role in upholding women's rights and in operating governmental machinery designed to eliminate obstacles in the way of equality between the sexes.

As a result of the working of this machinery, the question of sexual equality became part of the State language and women's rights gradually came to be accepted as a theme of public policy.

The State of Paraguay acknowledges the work of the non-governmental organizations in the conquest of human rights and especially the rights of women. The following is a list of the organizations which are playing a visible role in the advancement of human rights and in the march towards equality, development and peace, both at the national and international level.

Paraguayan Women's Coordinating Committee: Founded in 1987 following a National Women's Meeting. It groups together 14 non-governmental organizations. Its priority is to achieve equality before the law. It is responsible for the amendments made in the Civil Code and the Minor's Code, for constitutional reform, for proposals to amend the Penal Code and for the meetings held to prepare the Fourth World Conference on Women in 1995.

The Multisectoral Women's Committee: Founded in 1988, it comprises women who are active in politics, especially within the national political parties. It has concentrated its efforts on the political promotion of women and played a major role in the establishment of the Office of the Secretary of State for Women. For some years now, the members of this group have been active mainly as part of the Network of Political Women.

The Coordinating Committee of Rural Women: It forms part of the Paraguayan Rural Workers' Movement and its main task is to serve rural women workers, especially as regards job training, participation and land access.

Network of Political Women: Founded and consolidated in 1992, this Network takes part in the process of civilian government with a view to securing the

political participation of women and their access to decision-making levels. It submitted proposals for the reform of the Electoral Code and had incorporated in it the clause advocating positive discrimination on behalf of women. This clause is still being discussed in the National Congress.

Network of Municipal Women: This comprises women officials from the different communes. They carry out joint actions and strategies for the advancement of women at the local level (municipalities).

The Office of the Secretary of State for Women cooperates continually with these organizations. Some of them are executing or providing advice for the Office's programmes.

## IV. APPLICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

### Articles 1 and 3

The State of Paraguay has no legislative or administrative provision that is discriminatory towards women in the exercise of their human rights or fundamental freedoms. On the contrary, it has shown an unequivocal determination to stamp out all forms of discrimination against women.

### Article 2 of the Convention

(a) Paraguay's current National Constitution is egalitarian with respect to the rights of men and women. It contains affirmative provisions for the establishment of machinery to overcome inequalities. The Constitution stands in the forefront of all legislation and provides the foundation for an egalitarian body of law.

(b) The Constitution also contains provisions which oblige the State to adopt practical measures for overcoming discrimination.

"All residents of the Republic are equal as far as dignity and rights are concerned. No discrimination is permitted. The State will remove all obstacles and prevent those factors that support or promote discrimination. Guarantees aimed at preventing unfair inequalities will not be considered discriminatory, but egalitarian factors" (art. 46).

The Constitution recognizes unrestricted equality of rights for men and women. Article 48 states: "Men and women have equal civil, political, social and cultural rights. The State will create conditions conducive to, and will create adequate mechanisms for, making this equality true and effective by removing those obstacles that could prevent or curtail this equality as well as by promoting women's participation in every sector of national life."

Article 55 states that "Responsible maternity and paternity will be protected by the State, which will promote the creation of the necessary institutions to this end".

Article 27 states: "Publications will be regulated by law to better protect the rights of children, youth, illiterates, consumers and women".

In short, besides the general declaration on equality between the sexes, the Constitution lays down specific equalities throughout its provisions. These include:

The full equality of rights and obligations of women and men.

The principle of non-discrimination.

The State's obligation to create real equality by means of positive action.

Responsible paternity and maternity and family planning.

The right to maternity and/or paternity leave.

The equality of all children before the law and the possibility of investigating paternity.

The democratization of the family.

The promotion of machinery to prevent family violence.

Equality in labour relations.

The participation of women in the benefits of agrarian reform.

Protection of women when necessary, for example, during pregnancy and childbirth.

Equal right to education.

The adoption of measures for the political promotion of women.

With respect to the measures described in paragraph (b), the State has established the Office of the Secretary of State for Women, dealt with in the first part of this report. From the 1990s onwards, Paraguay has made remarkable progress in the adoption of both legislative and administrative measures for the recognition and enjoyment of human rights.

(c) and (d) In conjunction with article 46, the Constitution contains specific articles on measures to be adopted on specific subjects. According to article 60, "The State will promote policies aimed at preventing violence within the family and other causes that undermine family solidarity". For some years now, the National Police have been operating a Family Department to deal with

cases of violence against women. The Ministerio Público has set up a Victimology Department to help women who are the victims of violence by instituting legal action against offenders.

The Office of the Secretary of State for Women, within the framework of the National Plan for the Prevention and Punishment of Violence against Women, has set up a Victims' Guidance Unit to deal with cases brought by the bodies already mentioned or by non-governmental organizations which specialize in the subject.

The National Police has established the Comisaría de la Mujer to deal with women accused of crimes. It operates in the capital and some outlying towns. It is hoped to set up these bodies in all jurisdictions. As the judiciary is gradually being restructured, visible results are expected in the treatment of female offenders.

Before the new Constitution of 1992, legislative reform had already begun in the 1950s. This intensified in the nineties. Paraguay now enjoys equality in civil and political rights, in labour relations and in agrarian law but there still remain disparities in the penal system.

(e) (f) and (g) In the Penal System of Paraguay, comprising the Penal Code, the Code of Penal Procedure and the Penitentiary Regime, Law 210/1970, explicit disparities persist: discrimination, subordination and restrictions which militate against equality and which prejudice visibly the enjoyment of human rights by women, especially in cases of violence against them.

The Paraguay legislature, governmental organizations like the Office of the Secretary of State for Women and the Ministerio Público and non-governmental organizations like the Paraguayan Women's Coordinating Committee are making valiant efforts to secure the adoption of a new Penal Code and a new Code of Penal Procedure. These bodies have put forward a large number of projects for substantial reforms of these Codes. However, the debate has not been easy.

In Paraguay there is no special law regulating and penalizing family violence. In 1994 a bill was introduced in the Senate designed to prevent, punish and eradicate violence against women and violence within the family. However, it was withdrawn pending drafting changes. At the moment, an interdisciplinary committee coordinated by the Office of the Secretary of State for Women, has been entrusted with the study and preparation of a bill for presentation to the National Congress.

We hope that these efforts will yield positive results by the end of 1995 and that new legislation will put an end to the discrimination, subordination and restrictions against women, contained in existing penal legislation.

## Article 3 of the Convention

There are still obstacles to the enjoyment of human rights, especially through lack of information about recognized rights. Both governmental and non-governmental organizations are continually engaged in the training of women and in bringing home to the State and society the problems of women, so that they can enjoy their rights and the benefits of development under conditions of equality between the sexes.

We are aware that it will take a long time to overcome in real life the prejudices that preserve the inequalities which the new legislation seeks to remedy. However, we are striving to establish the legal and institutional foundations for affirmative action on behalf of women (see annexed report on human development from the women's perspective, UNDP, Paraguay, 1995).

## Article 4 of the Convention

The Paraguayan Constitution provides for the machinery to overcome the obstacles to equality. Article 46 states explicitly that guarantees aimed at preventing unfair inequalities will not be considered discriminatory, but egalitarian factors.

Apart from this general provision, the Constitution refers to a number of specific examples: the eradication of family violence, political participation, access to the benefits of land reform, labour equality, and so on.

Among the effective measures adopted by the Paraguayan State, the most important is the establishment of the Office of the Secretary of State for Women. This Office originates policies which result in affirmative action on behalf of women. Founded by a law of 1992 and initiated in 1993, the Office is one of the greatest achievements by Paraguayan women after 50 years of authoritarian governments.

There are other attempts to create specific mechanisms to help women. At the moment we are discussing an electoral reform bill, presented by the Network of Political Women and sponsored in the Chamber of Deputies by the two single women members. This bill proposes that "The lists of candidates for elective office, whether private individuals or representatives of political parties, must include for each two candidates of the same sex, at least one candidate of the other sex, from the first post up till the last". We hope that this project will be successful. If it is, it will increase considerably the participation of women in public office.

The existing Electoral Code includes a clause relating to positive discrimination but it is inadequate. Law No. 1 of 1990 states that the Statutes of a political party or movement must establish the rules which govern its organization and operation. These must include appropriate measures for the promotion of women to elective office.

In accordance with this provision, some political parties have included in their statutes clauses relating to positive discrimination. The National Republican Association, the Colorado Party, has imposed a minimum number of 20 per cent for women and young people in the lists of candidates for elective office. These statutes also designate an authority to enforce this provision. The Encuentro Nacional party has laid down a minimum number of 30 per cent for women in its lists of candidates but has not appointed any enforcing authority. The Partido Revolucionario Febrerista recently approved an amendment to its statutes whereby electoral lists had to contain a minimum quota of 30 per cent women, with women alternating with men without there being two successive candidates of the same sex.

The adoption of these measures of positive discrimination has yielded positive results. The women of the National Republican Association have obtained a greater number of seats in both municipal and parliamentary elections.

At the communal level, the Municipal Intendency of Asunción adopted two important affirmative measures: (a) The District Commission Statutes provide that their membership must be equally balanced between the sexes, with quotas that must not exceed 30 per cent for each sex. (b) A Municipal Ordinance established the Women's Department, which is responsible for the promotion of affirmative action, both in education and employment and for the access of women to electoral office.

Other municipalities, especially in the Central Department of Paraguay, have established offices to deal with women's affairs. These are working on measures which in the short term will result in greater participation of women at the communal level.

With regard to the protection of mothers, the State has set up the National Council for Reproductive Health and Family Planning, a body already mentioned.

## Article 5 of the Convention

In order to overcome social and cultural attitudes that entrench inequalities, the Office of the Secretary of State for Women, municipal bodies and non-governmental organizations have concentrated all their efforts on a

can be deprived of his nationality. Multiple nationality may be admitted through an international treaty or through reciprocity provisions at constitutional level between the State of birth and that of adoption.

Under the present Constitution, children of a Paraguayan father or mother, who are born in Paraguay, are Paraguayans, even though one of the parents is an alien.

Article 10 of the Convention

The Constitution guarantees all persons integral and permanent education. Education is the responsibility of the State, the family and the Municipality. While in Paraguay there is no discrimination by sex in the admission to formal education, the drop-out level for girls is high.

"The census data of 1994 show a noticeable improvement in the educational level of children of seven and above, both at the national level and in the rural areas. There is also an increase in the percentage of people attending secondary school and university" (according to a report on human development in Paraguay by UNDP, Asunción, 1994).

The last census, carried out in 1992 and published in 1994, describes each level of instruction, broken down by sex. The details are annexed herewith.

(a) and (b) The National Programme for the Equality of Opportunities and Results for Women in Education (PRIOME), mentioned in the first part of this report, is the basic tool for overcoming discrimination against women in education.

(c) With the advent of democracy after the military coup in 1989, education also became more democratic. Paraguay set up an Educational Reform Council, made up of experts. However, it is only fair to admit that the Council was slow to recognize the problems of women. The establishment of PRIOME is our great hope. If we include the progress that may be observed in the printing of textbooks, we may say that their contents are moving gradually towards the concept of equality.

It will be the responsibility of PRIOME and the Office of the Secretary of State for Women to propose and direct activities designed to incorporate the women's viewpoint in both texts and curricula and above all to drive home the need to establish equality of opportunities for women in education.

(d) The Office of the Secretary of State for Women has established a training programme which operates on behalf of Paraguayan women both at home and abroad. For about a year, the Office has been active in negotiations for obtaining both international and national scholarships for women.

(e) The Adult Educational Programme, already mentioned, has included among its plans the task of encouraging adult women's access to literacy programmes.

(f) The drop-out problem, especially in the rural areas, is acute and is closely linked to poverty. The Paraguayan Government feels that, as poverty diminishes, families will have a better chance of helping boys and girls to attend primary, secondary and tertiary schools.

(g) and (h) With respect to sports and information, we must accept that these two subjects are closely linked with culture. The Paraguayan people speak Guaraní as their vernacular tongue and much of their culture is derived from Guaraní ethnic groups. Their communication is basically oral. In this language the radio is the best means of communication. Under the new Constitution Paraguay possesses two national languages: Guaraní and Spanish. Education must be imparted in both languages.

## Article 11 of the Convention

The Constitution treats female labour as a specific topic. It states: "No discrimination will be permitted against workers for reasons of race, sex, age, religion, social status or political or union preference".

In 1993 the National Congress adopted a new Labour Code. It introduced new provisions concerning domestic service, sexual harassment at work and other aspects concerning the human rights of working women. However, some of these articles have been vetoed by the Executive Power, although ratified in the Senate and the Chamber of Deputies. The bill is now in the Government Palace, awaiting promulgation.

1. (a) In Paraguay the right to work is an inalienable right. The status of women, however, in the labour market is still inferior to that of men.

(b) According to the 1992 Census, the percentage of women in the economically active population is 22.1, three times lower than the figure for men. In spite of the efforts made in recent years, Paraguay has been unable to overcome this inequality.

However, the census data must be viewed in their proper context. In Paraguay there is a tendency to consider women as economically inactive in the rural areas and engaged in the informal sector in the towns. Nor are they considered as workers in their own homes. We must therefore accept that there is under-registration.

(c) As regards access to professional training, the Ministry of Justice and Labour has under it a National Vocational Training Service. By an agreement contracted with this Service, the Office of the Secretary of State for Women administers a vocational training programme for women. A similar programme links the Office with the Itaipú Bi-National Institute, in order to improve female training and encourage their promotion.

(d) Paraguay has ratified the ILO Convention on equality of remuneration. Its Labour Code contains in article 94 et seq explicit provisions on work stability. Chapter II, section II is specifically concerned with female labour. Article 128 states that "women enjoy the same labour rights and have the same obligations as men". Other provisions deal with equality of pay between the sexes for work of equal value. At the same time, positive discrimination is allowed for nursing mothers and maternity, some of them depending on decisions by the Executive Power.

(e) and (f) There is no restriction on the right to paid leave or compensation for dismissal or incapacity. These rights are enjoyed by both sexes. As for social security, benefits are paid both to the spouse and the partner, and to minor children. In the public and private sector, retirement pensions have been enjoyed for several decades. These rights have been recognized by successive labour laws. Social insurance benefits of married women may be paid to the husband but not the partner.

2. (a) and (b) The Constitution contains explicit provisions on maternity leave. It also mandates leave for fathers. In article 130 (not vetoed) and the following articles, the Labour Code provides specifically for women's health and safety during pregnancy, nursing and also for maternity leave. It states that women may not be dismissed during pregnancy or maternity leave. During such leave they receive full remuneration.

(c) and (d) The Labour Code also prescribes the organization of day nurseries in enterprises. Women are entitled to special protection during pregnancy. If there is any risk for mother or child during the carrying or nursing phase, they may not be asked to do unhealthy or dangerous jobs. They may not work in industrial or commercial establishments after 10:00 p.m. or at unusual hours. For the three months before delivery, women may not be asked to engage in heavy, physical work (art. 130 et seq).

The three central committees of the Trade Unions: Central Unitaria de Trabajadores, Central Paraguaya de Trabajadores and Central Nacional de Trabajadores have a Women's Affairs Unit. Women trade unionists are organized and play an active role in the debate on the new Labour Code. They are involved in all discussions of public policy concerning employment and job creation for women. We draw special attention tot he fruitful work of the Sindicato de Trabajadoras Domesticas (Domestic Workers' Trade Union).

At the same time, the Office of the Secretary of State for Women, together with non-governmental organizations and women trade union leaders are actively engaged in the work of MERCOSUR, especially as regards Sub-Group 11, responsible for women workers.

The annexed tables reflect the situation of women as regards the labour question and their income. Obviously, there are still a number of issues that must be addressed in governmental policies regarding female labour.

## Article 12 of the Convention

The General Directorate of Family Welfare and the General Directorate of Social Welfare, both under the jurisdiction of the Ministry of Health, have responsibilities which include the promotion of health services for women and families.

The National Council of Reproductive health, under the supervision of the Ministry of Health, proposes, monitors and executes programmes of reproductive health and family planning.

## Article 13 of the Convention

There is no restriction or inequality between men and women in the performance of commercial activities, banking loans, mortgages and other forms of financial credit. In all cases, married women are subject to the same restrictions as married men. These are subject to the regulations of the Civil Code, with the aim of ensuring the transparency and equality of family relations as regards the community of property.

At the moment women are not subject to any restrictions in the accumulation of savings, in sports or in any other aspect of cultural life. Until recently, some clubs excluded women from membership. Their statutes have now been changed so as to remove this discrimination. The exception is the Masons, who, by general acceptance, have never admitted women as members.

## Article 14 of the Convention

According to the 1994 population census, there were 984,395 rural women in Paraguay. An annex to this report presents in detail the breakdown of this figure by ages. We have not yet made detailed studies of this breakdown but we are able to perceive that rural women have less access to education and health than men and townswomen.

In the rural areas there are about 25,000 indigenous women. The population census does not always register the actual numbers because these women are reluctant to take part in censuses.

Since Paraguay is a multicultural country, rural women include peasants (campesinas) and indigenous women (indígenas). Both receive the benefit of agrarian legislation. Indigenous women also enjoy the benefits of Law No. 904 of the Indigenous Communities Statute.

Both groups of women are subject to the disadvantages of rural-dwellers in general: they have little access to land, health and education. These facts are borne out in the breakdown of the 1992 census data.

The civilian Government of President Wasmosy has established the National Council of Social Development. Since its foundation, it has dealt with the situation of the rural population. The Office of the Secretary of State for Women has a rural women's programme which is closely linked to the Ministry of Agriculture and the Human Development Programme under the direction of DIBEN. The Rural Development Institute does not have a special section for rural women.

The activities of the Programme to Promote the Participation of Women in Development (DIBEN/IDB) are centred on the removal of barriers which limit women's participation. These include lack of organization, marginalization, high drop-out rates and repetition in rural schools, morbidity and mortality of children and mothers and the prevalence of epidemics.

With the help of a sound training policy, this Programme has reached the point where women can run their own affairs. They are carrying out 101 productive projects in the respective Departments responsible for each field of activity.

With appropriate training and increased confidence, women leaders will be able to work together with the departmental bodies in bringing help to their respective communities.

With existing machinery, the Government has begun to implement a number of programmes centred on the rural woman. These are now in the process of consolidation. With regard to the specific paragraphs of article 14, the situation is as follows:

(a) In Paraguay, development plans reflect the existing social order, without any explicit discrimination. There is no general perception of women's problems and as a result the planners have not really grappled with them in their real dimensions.

We have already mentioned the bodies which in recent years have elaborated specific programmes for women. These may yield visible results in about two years. They provide a challenge for rural women, governmental agencies and non-governmental organizations. The latter have shown a greater ability to administer small projects to assist women.

(b) With regard to health and medical facilities, studies show that medical knowledge is transmitted empirically through practices inherited and learnt from mothers, neighbors and grandparents. Only 6 per cent of the women studies said that they had used the media as a source of information about health care. Diseases of the mother and the new-born are those which are the most subject to traditional beliefs in the rural sector (Corvalán Graciella and María Eugenia Arce).

We hope that the efforts made by the National Council of Reproductive Health and Family Planning, with the support of UNFPA, will awaken interest, confidence and credibility for the utilization of institutional mechanisms to promote the health of rural women.

(c) The Paraguayan social insurance system benefits both spouses and partners. Although benefits are limited to formal work, they are transmitted by the rural worker to wife and children.

(d) This paragraph was dealt with under article 10.

(e) The Law on Cooperatives neither includes nor excludes women. In recent years in the rural areas about 250 agricultural cooperatives have been set up. However, women's participation in them still constitutes a challenge. The Office of the Secretary of State for Women does set up a programme of small enterprises and cooperatives for women in order to encourage their participation in posts of responsibility.

(f) Indigenous women participate actively in community affairs on the basis of their cultural traditions. Peasant women take part in the life of the

community on the basis of the family. Recent studies show that there are a number of households headed by women.

(g) and (h) There are no limits imposed by law to women's access to credit. However, plans specifically directed towards women have so far obtained better results than neutral plans. In the latter, women are invisible. As regards housing and general welfare, the National Housing Council and private housing plans, especially those by religious bodies, has begun a process of giving housing priorities to single mothers and women heads of households.

Article 15 of the Convention

(1) Among the advances achieved in recent years, the most important is the establishment of equality before the law. The Paraguayan Constitution explicitly recognizes the equality of men and women in civil, political, economic and cultural rights.

(2) As regards the recognition, enjoyment and exercise of civil rights, there is full equality between men and women. This is recognized in Law No. 1 of 1992, which partially amends the Civil Code of Paraguay. According to these amendments, men and women have identical legal capacity both as single people and as regards marriage to partnership. They have equal capacity to administer common property, to contract and be contracted and enjoy equal rights before the law. They also have equal rights if the marriage breaks up and their property is divided, under the Divorce Law of 1991.

(3) The Civil Code of Paraguay does not allow the execution of contracts before third persons without the knowledge and authorized signature of both parties. This restriction is valid both for the man and the woman, for the purpose of safeguarding the communal property. Consequently, any private act or instrument adopted by the husband without the consent of the wife is null and void. The Paraguayan Civil Code states that in marriage or partnerships both men and women enjoy equality of rights with respect to communal goods.

Article 16 of the Convention

The amendments to the Civil Code mentioned in the preceding paragraphs establish the same rights for men and women as regards marriage and de facto unions.

(a) They enjoy the same right to enter into marriage, the year of consent being 16 for both sexes.

(b) The same right freely to choose a spouse, provided they are above minor age (20 years). If they are minors, they require the authorization of parent or guardian. This rule applies to both sexes.

(c) Under the Civil Code, husband and wife exercise jointly the legal representation of the conjugal property and have the same rights and duties. Under the Divorce Law of 1991, both spouses have the same rights when the marriage breaks up.

(d) Under the Minors' Code, both husband and wife exercise the same rights over the children, both in their bringing up and in general parental responsibility. Children born in and out of wedlock have the same rights.

(e) The Constitution states that men and women have the same rights to decide freely and responsibly on the number and spacing of their children. Article 61 refers explicitly to family planning and maternal and child health: "The State recognizes the right of persons to decide freely and responsibly on the number and spacing of their children, and to receive, with the help of the relevant educational bodies, scientific guidance and appropriate services. Special plans will be drawn up to ensure the reproductive health of people with low incomes".

The Civil Code takes over this constitutional mandate. Its article 13 states: "The spouses shall decide freely and responsibly on the number and spacing of their children and have the right to receive in this respect scientific guidance by State institutions.

(f) Married men and women have the same rights and duties. A married woman may use the surname of her husband only if she so desires. The husband also may add his wife's name to his own, if he so desires (art. 10). Children borne in wedlock bear the surname of each parent. The order of names is decided by agreement between the parents. Once this order is adopted for the first child, it must be maintained for the other children (art. 12). Husband and wife exercise the same rights regarding parental responsibility over sons and daughters.

(g) and (h) Under Paraguayan legislation, the spouses enjoy equal rights in marriage and can administer the communal property within the following agreed guidelines: (a) community of benefits under joint administration; (b) regime of deferred participation; (c) regime of separation of property. Both man and wife can freely choose their names, professions and occupations.

(2) Betrothals do not exist in Paraguayan legislation. The pertinent provision was abolished with the amendments made to the Civil Code, under Law No. 1 of 1992.

Asunción, 21 August 1995

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